

STATE OF KANSAS

Department of Health and Environment

Notice of Public Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment (KDHE), Division of Environment, Bureau of Air, will conduct a public hearing at 10 a.m. Wednesday, October 8, 2014, in the Azure Conference Room, fourth floor, of the Curtis State Office Building, 1000 S.W. Jackson, Topeka, to consider the adoption of proposed amended air quality regulations K.A.R. 28-19-720 and 28-19-750. A summary of the proposed regulations and the estimated economic impact follows.

Summary of Regulations:

K.A.R. 28-19-720. The proposed amendments will align K.A.R. 28-19-720 with current federal New Source Performance Standards (NSPS) as effective and published in the C.F.R. Part 60 up to July 1, 2010. These amendments also include adoption of the June 28, 2011 “Standards of Performance for Stationary Compression Ignition and Spark Ignition Internal Combustion Engine; Final Rule,” and the January 30, 2013 “New Source Performance Standards for Stationary Internal Combustion Engines; Final Rule” amendments. KDHE is also proposing to amend the current language in K.A.R. 28-19-720(a)(1)-(6) to reorganize the exclusions from adoption of 40 C.F.R. Part 60 and clarify those provisions that are not delegated by the United States Environmental Protection Agency (USEPA) to the state.

K.A.R. 28-19-750. The state of Kansas proposes adoption by reference of updated federal Hazardous Air Pollutants (HAP); Maximum Achievable Control Technology (MACT) regulations into Kansas air quality regulations, to include certain provisions of 40 C.F.R. Part 63, specifically Subpart ZZZZ addressing Reciprocating Internal Combustion

Engines. Approval of Kansas' proposed amendments will align K.A.R. 28-19-750 with the current federal requirements in Subpart ZZZZ as effective and published in the C.F.R. on July 1, 2012, and as amended by the January 30, 2013, "National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines: New Source Performance Standards for Stationary Internal Combustion Engines; Final Rule" and by the March 6, 2013, "National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines; New Source Performance Standards for Stationary Internal Combustion Engines – Correction."

Economic Impact:

The proposed regulations are not anticipated to result in additional costs to KDHE, other state agencies, or the private sector because the impacted facilities are already subject to the costs associated with the current federal standards, which KDHE is proposing to adopt by reference. A detailed economic impact is provided in the regulatory impact statement that is available, as listed below, for each proposed regulation.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed amended regulations. All interested parties may submit written comments prior to 5 p.m. on the day of the hearing to Pat Gibbs, Kansas Department of Health and Environment, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, 66612, by e-mail to pgibbs@kdheks.gov, or by fax to (785) 296-7455. During the hearing, all interested parties will be given a reasonable opportunity to present their views orally on the proposed regulations as well as an opportunity to submit their written comments. In order to give each individual an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit an oral presentation to an appropriate time frame.

Copies of the proposed regulations and the corresponding regulatory impact statement may be obtained from the KDHE Bureau of Air at <http://www.kdheks.gov/bar/planning/pnplanning.html> or by contacting Pat Gibbs at the address above, (785) 291-3278 or fax (785) 296-7455. Copies may also be viewed at the following locations:

- Department of Air Quality, Unified Government of Wyandotte County - Kansas City, Kansas Health Department, 619 Ann Ave., Kansas City, Kansas
- Johnson County Environmental Department, 11811 S. Sunset, Suite 2700, Olathe
- Curtis State Office Building, 1000 S.W. Jackson St., Suite. 310, Topeka
- KDHE Northeast District Office, 800 W. 24th St., Lawrence
- KDHE Northwest District Office, 2301 E. 13th St., Hays
- KDHE North Central District Office, 2501 Market Place, Suite D, Salina
- KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita
- KDHE Southeast District Office, 1500 W. 7th St., Chanute
- KDHE Southwest District Office, 302 W. McArtor Rd., Dodge City
- Wichita-Sedgwick County Dept. of Community Health, 1900 E. 9th St., Wichita

Questions pertaining to the proposed regulations should be directed to Pat Gibbs at (785) 291-3278.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and the regulatory impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Pat Gibbs.

Robert Moser, M.D.

Secretary of Health and Environment